

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

Kenneth Lee Traynham)

Date of Previous Judgment: August 25, 1998)

(Use Date of Last Amended Judgment if Applicable))

Case No: 4:97cr30084-01

USM No: 07445-084

Defendant's Attorney

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED For D. V. S. S. S.
JUN 27 2008

JOHN F. CORCORAN, CLERK
BY: J. Farabee
DEPUTY CLERK

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 210 months is reduced to 168 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35

Amended Offense Level: 33

Criminal History Category: III

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Previous Guideline Range: 210 to 260 months

Amended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

U.S.S.G. § 1B1.10(a)(3) provides that the Court is not authorized to conduct a full resentencing hearing when reducing a sentence under 18 U.S.C. § 3582(c)(2). U.S.S.G. § 1B1.10(b)(1) further provides that the Court may determine only the amended guideline range that would have been applicable to the defendant if the retroactive amendment—in this case Amendment 706—had been in effect at the time of sentencing and must leave all other guideline application decisions unaffected. Therefore, to the extent that Defendant asks to be resentenced for reasons other than Amendment 706, this request is denied.

Except as provided above, all provisions of the judgment dated 8/25/1998 shall remain in effect.

IT IS SO ORDERED.

Order Date: June 27, 2008

Norman K. Moon
Judge's signature

Effective Date: _____
(if different from order date)

Norman K. Moon, United States District Judge
Printed name and title